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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000746

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SUBJECT: BURMA: ILO PROGRESS REPORT

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Classified By: Economic Officer Marc Porter for reasons 1.4 (b and d).

Summary

1. (SBU) The International Labor Organization (ILO) office in Rangoon has received an increased number of complaints of forced labor and child soldier recruitment over the past five months. ILO attributes this increase to heightened awareness of workers' rights rather than increased incidence of abuse. The ILO office cites myriad problems related to forced labor -- often the result of actions by local governments, not central authorities in the capital -- but also notes encouraging progress in the GOB's handling of child soldier recruitment cases. End summary.

ILO Rep Busier This Year

2. (SBU) Steve Marshall, the ILO Liaison Officer in Rangoon, told diplomats at a November 6 briefing that since the ILO and GOB agreed to a 2007 Supplementary Understanding (SU) on forced labor, his office has investigated a total of 223 incidents. During the most recent reporting period (May 15-October 28), the ILO office recorded 71 new cases, more than double the number received during the same period in 2008. Marshall attributes the increase to heightened public awareness of labor rights and an increased willingness by aggrieved parties to come forward, rather than a rise in incidents. However, he acknowledged that overall awareness remains low and that recent harassment of complainants (see para 3) could erode public confidence in the process.

GOB Acting Responsibly, Sometimes

3. (SBU) Marshall noted numerous positive resolutions of cases involving under-age recruitment of soldiers during the reporting period. In every instance where the ILO facilitated a complaint, the GOB acted to release the child from military service. However, the GOB's handling of those releases needs improvement, Marshall assessed. In one case,

for example, the GOB ordered a child soldier released without telling the child, who reportedly ran away the night before his scheduled release and remains missing.

¶4. (SBU) Resolving forced labor cases has been less successful, Marshall reported. Several cases, mostly linked to a group of farmers in Magwe Division, remain unresolved. Marshall noted group complaints are increasing, likely because individual complaints are perceived as too dangerous.

In one positive sign of raised public awareness, the ILO received several complaints facilitated by Union Solidarity and Development Association (USDA) members. Since the GOB's mass member organization takes its cues from the regime, Marshall notes that involvement by USDA members to remedy cases is encouraging.

Central Government and Local Authorities Not on Same Page

¶5. (SBU) While the GOB's "Working Group for the Elimination of Forced Labour" and other central government bodies are responsive in trying to resolve cases brought by the ILO, the same cannot be said for some local authorities, according to Marshall. In several cases, primarily in Magwe Division, local authorities have blocked the implementation of ILO-brokered settlements by refusing to honor the substance of the agreements or by targeting complainants for harassment and judicial retribution. In one instance, a local court reportedly ruled that a resolution reached under the GOB-ILO SU was "unofficial." There is clearly a tension in some regions between what the central government has agreed to and what local authorities are willing to accept. Marshall did not offer an explanation as to why local authorities would be willing to ignore the central government on labor issues but

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would toe the line on most others.

ILO's Future in Burma

¶6. (C) The current ILO SU expires February 26, 2010. Marshall expects to begin negotiating in earnest for a new SU after returning from the ILO Governing Body meeting in mid-November. He hopes the U.S. and others will not insist on imposing difficult "conditions" on any renewed SU that would spur the GOB to resist continuation. Marshall said he has already encountered signs of resistance by GOB officials to enter into any agreement that will bind a new government seated after the 2010 elections. Marshall has pointed out to his GOB interlocutors that a government's responsibility is to govern until the end of its term. However, he plans to suggest a pragmatic solution -- including an option in the new SU for any future government to renegotiate or opt out of the agreement. He believes it extremely important for the ILO to retain its ability to be active in responding to complaints, as the SU allows, rather than having to revert, in the absence of an SU, to an observer role with no legal authority to facilitate the resolution of forced labor and child soldier recruitment cases.

Recommendation

¶7. (C) Embassy Rangoon recommends the U.S. delegation to the ILO Governing Board meeting emphasize the importance of a renewal of the SU and the continuation of the ILO's existing mandate. Marshall may well be right that insisting on "conditions" to accent international concern would, in effect, bring curtailment of the ILO's increasingly useful protective roles in Burma. If renewing the SU ultimately requires including an option for a future government to renegotiate or opt out of the agreement, that flawed outcome is nevertheless better than scaling back the ILO's mandate and presence. Particularly in light of the pending elections next year, an active and empowered ILO office is critical

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